

United States District Court
MIDDLE DISTRICT OF TENNESSEE (NASHVILLE DIVISION)

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

MATTHEW DEHART

Case Number: 10-4062 JSB

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. Between on or about January 1, 2008 and on or about August 31, 2008, in Williamson County, in the Middle District of Tennessee defendant did,

knowingly employed, used, persuaded, induced, enticed, and coerced a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing or having reason to know that such visual depictions would be transported in interstate commerce

in violation of Title 18 United States Code, Section(s) 2251(a). I further state that I am a Detective with the Internet Crimes Against Children (ICAC) Task Force of the Franklin Police Department and that this complaint is based on the following facts:

See Attached Affidavit

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Brett A. Kniss
Signature of Complainant
Brett A. Kniss, Detective
ICAC Task Force, Franklin Police Department

Sworn to me and subscribed in my presence,

August 6, 2010

Date

at

Nashville, Tennessee

City and State

John S. Bryant, United States Magistrate Judge
Name & Title of Judicial Officer

John S. Bryant
Signature of Judicial Officer

AFFIDAVIT OF BRETT KNISS
Internet Crimes Against Children Task Force
Franklin Police Department

Brett A. Kniss, being first duly sworn on oath, states as follows:

1. I am a detective assigned to the Internet Crimes Against Children (ICAC) Task Force with the Franklin Police Department. I have been with the Franklin Police Department since 1999.
2. This affidavit is submitted in support of a Criminal Complaint for the arrest of **MATTHEW DEHART**, for the following offense: between on or about January 1, 2008 and on or about August 31, 2008, in the Middle District of Tennessee and elsewhere, **MATTHEW DEHART** knowingly employed, used, persuaded, induced, enticed, and coerced a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing or having reason to know that such visual depictions would be transported in interstate commerce.
3. The following information contained in this affidavit is based on my training and experience, my personal participation in this investigation and information provided to me by other law enforcement officials. Unless otherwise indicated, where I have referred to written or oral statements, I have summarized them in substance and in part, rather than verbatim. Not all of the facts of the investigation known to me are contained herein, only those necessary to establish probable cause for the arrest of **MATTHEW DEHART**.
4. On January 9, 2009, I interviewed two individuals who lived in Franklin, Tennessee about the solicitation of their minor son (hereinafter Minor #1), who is fourteen years of age, and their son's friend (hereinafter Minor #2), who is sixteen years of age. Through an online game, World of Warcraft, which uses live Internet chat, these two victims met an individual by the name of Matthew DeHart, whom the boys believed was 16 years of age. DeHart represented himself as being in New York. The parents of Minor #1 had recently discovered sexually explicit photographs on their son's cell phone, and they later learned that these pictures were sent to DeHart and individuals in Indiana whom DeHart represented as being teenage females.
5. During independent child forensic interviews, both minor victims disclosed that on separate occasions, DeHart had asked each boy to send a picture of his penis to DeHart and to an email account that DeHart stated belonged to some teenage female girls in Indiana. The victims disclosed that the suspect had sent several pornographic images to each of them on separate occasions. Each victim stated that the suspect had driven to Franklin, Tennessee to meet with them on several occasions to bring them gifts. One of the minor victims disclosed that the suspect had provided him with beer and Adderol. On another occasion, that victim skipped school to go with DeHart to an indoor shooting range in another town. DeHart had brought his own guns and provided the minor victim with a gun to use at the indoor range.

6. After getting consent to examine the minor victims' computers, I conducted a computer forensic examination of each of the computers. I recovered short video clips of Minor #1 in which he was masturbating. I also recovered chat logs and several email addresses used by DeHart to communicate with the minor victims over the Internet, including some email addresses to which the minor victims had sent nude photographs of themselves. The chat logs clearly indicated that DeHart had knowledge of the nude photographs and that Minor #1 had sent them to an email account allegedly belonging to female girls in Indiana:

[21:45] DeHart: cant ask

[21:45] DeHart: u for dickpix

[21:45] DeHart: cause I've already seen it

[21:45] DeHart: so that is kinda

[21:45] DeHart: off the table

[21:45] DeHart: LOL

[21:47] Minor #1: if I don't get a video for having a guy and girl see my dick im gonna be pissed off

7. The chat conversations between Minor #1 and a purported teenage female from Indiana indicated that Minor #1 was enticed to send the videos of himself masturbating. The following is an excerpt from one of the chat conversations:

[22:07] (alleged female from Indiana): okay im ericas friend and we lezz it out for guys

[22:07] (alleged female from Indiana): but only hot ones

[22:07] Minor #1: thats

[22:07] Minor #1: crazy

[22:07] (alleged female from Indiana): yeah u know whats more crazy?

[22:08] Minor #1: other than you thinking im hot

[22:08] Minor #1: what

[22:08] (alleged female from Indiana): you can make me a vid like u did for her

[22:08] (alleged female from Indiana): and in return

[22:08] (alleged female from Indiana): u get a vid of us 69ing

[22:08] (alleged female from Indiana): we decided on it

[22:09] Minor #1: thats

[22:09] Minor #1: a fairly good deal if you ask me

[22:09] (alleged female from Indiana): yes well she lost your videos anyways and I don't have one and I love your body

[22:10] (alleged female from Indiana): good well I need this video like tonight

[22:10] (alleged female from Indiana): and I can do mine tonight/tomorrow morning

[22:11] Minor #1: actually..

[22:11] Minor #1: how bout

[22:11] Minor #1: I have a vid

[22:12] (alleged female from Indiana): ?

[22:12] Minor #1: that I havent sent to erica yet she said she wanted one

[22:12] (alleged female from Indiana): I saw all the ones u showed her tho

[22:12] Minor #1: and I didnt give it to her yet

[22:12] (alleged female from Indiana): its new?

[22:12] (alleged female from Indiana): how good is it?

[22:12] Minor #1: its like 9 or 10 mins bvut its cell cam

[22:12] (alleged female from Indiana): details please

[22:12] Minor #1: just me jerking off. simple

[22:12] (alleged female from Indiana): how much cum?

[22:13] Minor #1: ill do another one tmrw if you give me yours first

[22:13] Minor #1: um above average

[22:13] (alleged female from Indiana): kay well send me this cell thing

[22:13] (alleged female from Indiana): here on aim is fine

8. Minor #1 told me about a video that one of the alleged females had sent to him, and the minor victim told me where to find this video on his computer. I did locate the video, which showed what appeared to be a minor female masturbating herself on a bed.
9. DeHart was identified through various investigative databases and was determined to be a 24 year old male located in Newburgh, Indiana. DeHart was positively identified by one of the victims through a photo lineup. All of the email addresses and the IP addresses used to send the messages were associated with DeHart.
10. Although a records check indicated that the IP addresses for the email accounts of the alleged teenage females had not been retained due to the time lapse between the incident and the report to law enforcement, the creation dates of those accounts are within the time period that the chat conversations took place.
11. The FBI Office in Evansville, Indiana executed a Indiana State Search Warrant at DeHart's residence in January of 2010. They sent me a copy of the seized digital evidence for forensic analysis. During my forensic analysis, I have recovered several evidentiary chat messages between Victim #1 and DeHart. Below is a recovered chat fragment between DeHart and Minor #1. In this chat conversation, DeHart is portraying himself to be a teen-aged female who is enticing the minor to trade videos of himself masturbating for videos of what the victim believes are of a teen-aged female performing various sexual acts.

Session Start - Sun May 18 14:28:28 2008

[14:28] Minor #1: [Offline IM sent 2m ago]

[14:28] Suspect: hello?

[14:28] Minor #1: hi

[14:28] Minor #1: whats up
[14:29] **Suspect: not a lot where did my font go**
[14:29] Minor #1: it died
[14:29] **Suspect: okay better**
[14:29] **Suspect: now whats up**
[14:29] Minor #1: hah.
[14:29] Minor #1: not much
[14:29] Minor #1: sore
[14:29] **Suspect: why**
[14:29] Minor #1: ran a 5K
[14:30] Minor #1: yesterday
[14:30] Minor #1: and then was running around a neighborhood
[14:30] **Suspect: I didnt know u liked to run**
[14:30] Minor #1: for like 2 hours
[14:30] Minor #1: yea. I do.
[14:30] **Suspect: so did u want the rest of that movie**
[14:30] Minor #1: mhm
[14:31] **Suspect: how badly?**
[14:31] Minor #1: badly enough.
[14:31] Minor #1: oh come on.
[14:31] Minor #1: lol
[14:31] **Suspect: okay well.. I want one more from u cause that other one was in like 4 parts I want it all one part or 2 max**
[14:31] **Suspect: actually fuck it I just want a new one**
[14:31] Minor #1: just merge them lol
[14:31] **Suspect: omg my font**
[14:32] Minor #1: your font hates you
[14:32] **Suspect: yea but I liked the first one so much I want one more**
[14:32] Minor #1: tell you what
[14:32] Minor #1: you said youd give me two
[14:32] Minor #1: I don't even care
[14:32] Minor #1: about the second
[14:32] Minor #1: give me the first
[14:32] Minor #1: and ill trade you another in one part for one of urs
[14:33] **Suspect: mine was much better quality**
[14:33] Minor #1: they were almost equal
[14:33] **Suspect: and it ends way more graphic and I did make another one in the tub I just havent xferred it**
[14:33] Minor #1: on my computer
[14:33] **Suspect: oh no urs was so blurry**
[14:33] Minor #1: im sorry lol
[14:34] Minor #1: ill trade you another one for the one in the tub
[14:34] Minor #1: just give me what we agreed on

[14:34] **Suspect: ill send u the rest of it**
 [14:34] **Suspect: then u send me a new one**
 [14:34] **Suspect: then ill send u the tub**
 [14:35] Minor #1: yes.
 [14:35] **Suspect: okay hold on**
 [14:36] **Suspect: the end of mine is so graphic**
 [14:36] **Suspect: can u make urs more graphic**
 [14:36] Minor #1: there arent many things I can do lol
 [14:36] Minor #1: just being honest
 [14:36] **Suspect: like some humping your hand too and like wait u sure u don't have a camera?**
 [14:36] Minor #1: I might be able to use one this time
 [14:37] **Suspect: :)!!!!!!!**
 [14:37] Minor #1: but how about we finish this first
 [14:37] Minor #1: lol
 [14:37] **Suspect: kay so u swear right after u get this youll make another one**
 [14:37] **Suspect: u wont like be OH I cant right now hb tomorrow**
 [14:37] Minor #1: I swear.
 [14:37] **Suspect: okay**
 [14:37] Minor #1: but I will tell you
 [14:37] Minor #1: if you wait like a week
 [14:37] Minor #1: ill cum a lot more
 [14:37] **Suspect: whens the last time u cummed**
 [14:37] Minor #1: like
 [14:38] Minor #1: last night
 [14:38] Minor #1: lol
 [14:38] Minor #1: I had to get rid of a boner
 [14:38] Minor #1: :\n
 [14:38] **Suspect: well this doesnt have to be the last time we do this :)**
 [14:38] **Suspect: just make this pretty**
 [14:38] **Suspect: im not waiting a week**
 [14:38] Minor #1: lol
 [14:38] Minor #1: ok but I wont cum much
 [14:38] Minor #1: not my fault
 [14:38] Minor #1: :P
 [14:38] **Suspect: thats okay**
 [14:38] **Suspect: just make it sexy**
 [14:39] **Suspect: is it working?**
 [14:39] Minor #1: yup
 [14:39] **Suspect: so tell me what u will do**
 [14:39] Minor #1: hmm
 [14:40] Minor #1: what do you want
 [14:40] Minor #1: lol

[14:40] **Suspect:** like what position will u be jerking off in?
[14:40] Minor #1: same.
[14:40] Minor #1: lying down if you couldnt tell
[14:40] **Suspect:** lmao I could tell!
[14:40] Minor #1: making sure :-D
[14:40] **Suspect:** how will u use a better cam then
[14:40] Minor #1: I can manage
[14:41] **Suspect:** show your face too or at least a lil more of u my face is in the
beginnin g of mine
[14:41] **Suspect:** and then I bend over at the end
[14:41] Minor #1: it is?
[14:41] Minor #1: I didnt see ur face
[14:41] **Suspect:** should be
[14:41] **Suspect:** hmmph
[14:41] Minor #1: the camera like spun around
[14:42] **Suspect:** thought I got it a lil its weird filiming ur like expressions when u
make a vid like that feels dirty lmao
[14:42] Minor #1: lol
[14:42] **Suspect:** so how long do u think this will take
[14:42] **Suspect:** u took like 34536 minutes to send urs last time
[14:43] Minor #1: itll have to be tonight
[14:43] Minor #1: lol
[14:43] **Suspect:** wtf u just said youd do it right after this
[14:43] **Suspect:** u just swore
[14:43] Minor #1: right after?
[14:43] Minor #1: well I might be able to its not a big deal lol
[14:43] **Suspect:** *Suspect: u wont like be OH I cant right now hb tomorrow*
Minor #1: I swear.
[14:44] **Suspect:** yeah it is a big deal..
[14:44] Minor #1: yeah I know I swore
[14:44] Minor #1: my parents are kinda home though...if I do it now it wont be any any
good at all
[14:44] Minor #1: I cant lock my door
[14:44] **Suspect:** fine when tonight?
[14:44] Minor #1: like 10 ur time proolly
[14:44] **Suspect:** swear and it will be good?

[14:44] *** Minor #1 has received Movie.wmv.

[14:44] **Suspect:** drink a lot!
[14:45] Minor #1: lol
[14:45] Minor #1: itll be good
[14:45] **Suspect:** okay I kept my part

[14:45] Minor #1: yes ill be fair
 [14:45] **Suspect: tub is better and its bright**
 [14:45] **Suspect: don't ask me where I got that sex toy plz :)**
 [14:45] Minor #1: haha
 [14:45] Minor #1: ok.
 [14:45] **Suspect: and don't like jerk off now**
 [14:45] **Suspect: and waste your cum**
 [14:45] Minor #1: I wont hahaha
 [14:46] **Suspect: okay what time should I be on to get your vid?**
 [14:46] Minor #1: ill text you. I have texts after 9
 [14:46] **Suspect: okay byebye**
 [14:46] Minor #1: bye
 Session Close (Minor #1): Sun May 18 14:46:35 2008

12. I have recovered several chat conversations like this one where the suspect is portraying himself to be a teen-aged female and enticing several unknown males to send videos of themselves masturbating. In some of these chat conversations, the suspect uses the same screen name that he used when chatting with the victims in my investigation.
13. I have viewed several of these videos, and the victims in these videos appear to be between the ages of 14 and 16 years of age. The investigation continues into the identity of these victims.
14. I also have found several references to both minors during the analysis of DeHarts digital media. Examples include as follows:

```
C:\Users\Ultimatt\Desktop\(Minor #2) bored call me or txt 866-8593 got
phone back.txt

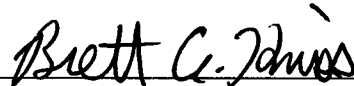
utmcsr=google|utmccn=(organic)|utmcmd=organic|utmctr=%22(Minor #2 first
name)%20(MINOR #2 LAST name) %22.facebook.

(MINOR #2), My dad is infuriated but if you need me, email me at
snoodles456@gmail.com~

.L8ÿÿÿ·http://www.google.com/#hl=en&q=%22Minor #1 first name)+(Minor #1
LAST NAMES)%22&aq=f&oq=&aqi=&fp=NLffBUlvPrA"(Minor #1 first name) (Minor
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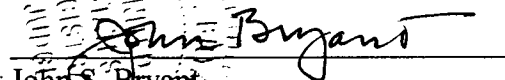

%2F%2Fwww.facebook.com%2Fpeople%2FSarah_Nurre%2F1062171707&ei=dqcTSsC_DIGYtAPnutHzDQ&rct=j&q=%22(MINOR #2 first name)+ +(MINOR #2 LAST) name %22&usg=AFQjCNEn7ttQlVHYl9HS4bN8ijlNC58jaAmoc.elgoog.www.....h...jRfŽWw

15. I also have found several screen names that DeHart used in both his casual conversations with the victims and the screen names that he used to portray himself as a teen aged female to the victims and the unknown victims.
16. The transfer of the child pornography images and videos was via the Internet and cellular telephones.



Brett A. Kniss, Detective
Internet Crimes Against Children Task Force
Franklin Police Department

Subscribed and Sworn to
before me this 6th day of August, 2010.


John S. Bryant
United States Magistrate Judge
Middle District of Tennessee